

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**In Re:**

**AREDIA® AND ZOMETA® PRODUCTS  
LIABILITY LITIGATION**

**(MDL No. 1760)**

**This Document Relates to:**

**3:07-00397 (*Hatton*)**

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**No. 3:06-MD-1760**

**Judge Campbell/Brown**

**ORDER**

Plaintiff, Ronald Hatton (Mr. Hatton), timely filed a motion to quash and for a protective order on August 2, 2013 in connection with deposition of Mr. Hatton's son, Stephen Hatton (Stephen), noticed for August 7, 2013. (MDL Doc. 6880; Related Case 32) Plaintiff argues that Stephen's deposition should be taken following remand, and that "counsel has agreed to make Stephen . . . available for deposition" at that time. (MDL Doc. 6880; Related Case 32)

The Novartis Pharmaceuticals Corporation (NPC) filed a response to the motion on August 7, 2013, in which NPC states that it "does not oppose plaintiff's counsel's request to defer the . . . deposition of Stephen . . . until after remand of this case, so long as **this Court**<sup>[1]</sup> does not impose limitations on the scope of the deposition." (MDL Doc. 6893; Related Case 33)(emphasis added) More particularly, NPC states that, "[s]hould Stephen . . . provide additional information about liability issues that the personal representative was unable to recall, NPC will seek to secure discovery related to that information." (MDL Doc. 6893; Related Case 33) Alternatively, NPC is prepared to take Stephen's deposition prior to remand. (MDL Doc. 6893; Related Case 33)

Plaintiff did not file a reply to NPC's response. Therefore, plaintiff is deemed not to object

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<sup>1</sup> Discovery-related issues upon remand are in the hands of the remand court.

to NPC's conditions. Accordingly, plaintiff's motion to quash and for a protective order (MDL Doc. 6880; Related Case 32) is **GRANTED** subject to the conditions set forth by NPC in its response (MDL Doc. 6893; Related Case 33).

It is so ORDERED.

ENTERED this 1<sup>st</sup> day of October, 2013.

/s/Joe B. Brown  
Joe B. Brown  
United States Magistrate Judge